IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 18495 of 2007(B)

PETITIONER:

HARIDASAN V., ASSISTANT ENGINEER,
BLOCK DEVELOPMENT OFFICE, OACHIRA,
RESIDING AT VADAKKEVILA PUTHEN VEEDU,
KANNANALLOOR, KOLLAM.

BY ADV. SRI.D.KISHORE

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE CHIEF ENGINEER (ADMINISTRATION), PUBLIC WORKS DEPARTMENT, THIRUVANANTHAPURAM.**

3. **THE DISTRICT COLLECTOR, KOLLAM.**

4. **THE ASSISTANT EXECUTIVE ENGINEER, P.W.D ROADS, SUB DIVISION, KOLLAM.**

5. **DEEPTHI BHANU, ASSISTANT ENGINEER, P.W.D ROADS SUB SECTION, KUNDARA, KOLLAM DISTRICT.**

6. **THE BLOCK DEVELOPMENT OFFICER, OACHIRA, KARUNAGAPPALLY.**

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU
GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.18495/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER NO.EB3-8/2007 DTD.31.5.2007 OF THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER NO.D1/3059/02 DATED 11.6.2007 OF THE 3RD RESPONDENT.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 13.6.07 SUBMITTED BY THE EPTITIONER BEFORE THE 4TH RESPONDENT.

EXT.P4: TRUE COPY OF THE ORDER DATED 14.6.07 (MISTAKENLY NOTED AS 2006) VIDE NO.EB3-8/07 OF THE 2ND REPT.

EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 15.6.07 SUBMITTED BY THE 1ST RESPONDENT.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 18495 OF 2007
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Dated this the 20th day of August, 2007

J U D G M E N T

Petitioner is an Assistant Engineer, posted in the Block Development Office, Oachira since 7/11/1997. He is a native of Kollam District and rendered only four years service in that District. According to the learned counsel, petitioner is due to retire on 30th of November 2009. By Ext.P1 order dated 31/5/07, petitioner was ordered to be transferred to Kollam and 5th respondent was transferred from Kollam and posted at Oachira, in the post that he was holding.

2. It is submitted that in pursuance to Ext.P1, he was relieved from Oachira by Ext.P2 order and though he attempted to join at Kollam, it was unsuccessful. He made a representation to the Assistant Executive Engineer complaining that he was not allowed to join duty and immediately thereafter filed this writ petition for

implementation of Ext.P1 order, transferring him to Kollam. On 14/6/06, Ext.P4 order was issued in modification of Ext.P1 retaining the 5th respondent at Kollam and the petitioner at Oachira. Thereupon, he filed Ext.P5 representation to the 1st respondent complaining of Ext.P4 and praying that his transfer and posting at Kollam ordered as per Ext.PI, should be maintained and implemented.

3. It is submitted that during the pendency of this writ petition, while the petitioner remained on leave, the 5th respondent is still continuing at her place of posting in Kollam. As already noted, the petitioner has already filed Ext.P5 representation before the 1st respondent highlighting his grievances against Ext.P4, and the 1st respondent is duty bound to consider the same.

4. Accordingly, I direct the 1st respondent to consider Ext.P5 representation, as expeditiously as possible, at any rate within a period of one month from the date of receipt of

a copy of this judgment. Before final orders are passed on Ext.P5, it is directed that notice shall be given to the petitioner as also the 5th respondent. I also make it clear that further continuance of the 5th respondent in the post that she now holds at Kollam will depend upon the decision to be taken by the first respondent on Ext.P5.

With the above directions, this writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp